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Agenda item 4

Resolution adopted by the Human Rights Council on 23 March 2016

31/17. The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous Human Rights Council resolutions on the Syrian Arab Republic,

Welcoming the adoption by the Security Council of its resolution 2268 (2016) on 26 February 2016,

Reaffirming its strong commitment to the full respect of the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population,

Condemning the grave deterioration of the human rights situation and the indiscriminate or deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that foment sectarian tensions,

Recalling the statements made by the Secretary-General and United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Recalling also that, amid expressions of popular discontent over restrictions on the enjoyment of civil, political, economic, social and cultural rights, civilian protests erupted in Dar'a in March 2011, and noting that the excessive and violent suppression of civilian protests by the Syrian authorities, which later escalated to the direct shelling of civilians, fuelled the escalation of armed violence and extremist groups,

Expressing its deepest concern about the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic, and the allegations of torture and executions based on the evidence presented by the "Caesar" report in January 2014 regarding the torture and execution of persons incarcerated by the Syrian authorities, and underscoring the need for those allegations and similar evidence to be collected, examined and made available for future accountability efforts,

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Noting the observation of the Commission of Inquiry that the Syrian authorities have conducted enforced disappearances and widespread attacks against the civilian population as a matter of policy,

Recognizing that arbitrary detention and enforced disappearances in the Syrian Arab Republic have increasingly targeted persons belonging to communities believed to support armed groups or to be insufficiently loyal to the Government or to other parties to the conflict, which has had a traumatic impact on victims and their families,

Deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Expressing full support for the diplomatic efforts of the Special Envoy of the Secretary-General for Syria, and stressing that rapid progress on a political solution should include full and meaningful participation by all segments of Syrian society, including women, and represents the only sustainable way to resolve the situation in the Syrian Arab Republic peacefully, consistent with Security Council resolution 2254 (2015) of 18 December 2015,

Welcoming the efforts of the United Nations Entity for Gender Equality and the Empowerment of Women to highlight the needs of women and girls and to promote their role in conflict-resolution and peacebuilding,

Acknowledging the ongoing efforts by human rights defenders active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

1. *Welcomes* the cessation of hostilities in the Syrian Arab Republic, demands that all parties to the cessation of hostilities in the Syrian Arab Republic fulfil their commitments, and urges all Member States, especially the members of the International Syria Support Group, to use their influence with the parties to the cessation of hostilities to ensure fulfilment of those commitments, to support efforts to create conditions for a durable and lasting ceasefire, which is essential to achieving a political solution to the conflict in the Syrian Arab Republic and to bringing the systematic, widespread and gross violations and abuses of human rights and violations of humanitarian law to an end;

2. *Also welcomes* the work of the Independent International Commission of Inquiry on the Syrian Arab Republic, and notes the importance of the work of the Commission of Inquiry and the information it has collected in support of future accountability efforts, in particular the information on those who have allegedly violated international law;

3. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

4. *Decides* to extend for one year the mandate of the Commission of Inquiry, established by the Human Rights Council in its resolution S-17/1 of 23 August 2011, to investigate all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable;

5. *Requests* the Commission of Inquiry to provide an oral update during an interactive dialogue at the thirty-second session of the Human Rights Council and to present a written updated report during the interactive dialogue at the thirty-third and thirty-fourth sessions;

6. *Strongly condemns* the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, in particular Hizbullah, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

7. *Stresses* the importance of efforts to sustain the Cessation of Hostilities that came into force on 27 February 2016 and the delivery of humanitarian assistance, and of the full implementation of Security Council resolutions 2178 (2014) of 24 September 2014, 2199 (2015) of 12 February 2015, 2249 (2015) of 20 November 2015, 2253 (2015) of 17 December 2015, 2254 (2015) and 2268 (2016);

8. *Strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), al-Nusrah Front or other terrorist organizations designated by the Security Council, and their continued gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law, and reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization;

9. *Condemns in the strongest terms* the gross and systematic abuse of women's and children's rights by the so-called Islamic State in Iraq and the Levant (Daesh), in particular the enslavement and sexual abuse of women and girls, enforced disappearances and the forced recruitment and abduction of children;

10. *Condemns* all violations and abuses of international human rights law and all violations of international humanitarian law, including against women and children, and persons with disabilities, and urges all parties to the conflict not to commit indiscriminate attacks against the civilian population and civilian objects, including against medical facilities and schools as such, to comply with their obligations under international humanitarian law and to respect international human rights law;

11. *Strongly condemns* the widespread practice of enforced disappearance and the use of sexual violence and torture, especially in detention centres, including those acts referenced in the reports of the Commission of Inquiry, as well as those depicted in the evidence presented by "Caesar" in January 2014, notes that such acts may constitute violations or abuses of international human rights law or violations of international humanitarian law, condemns the denial of medical services in all prisons and detention facilities, recognizes the permanent damage from torture to victims and their families, and calls for the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees and for the Syrian authorities to publish a list of all detention facilities;

12. *Also strongly condemns* all enforced disappearance and arbitrary detention by the Syrian authorities and all parties to the conflict, and demands the immediate release of all persons arbitrarily detained, including women, children, human rights defenders, humanitarian aid providers, medical personnel and journalists;

13. *Welcomes* the fact that the Joint Investigative Mechanism, which was established by the Security Council in its resolution 2235 (2015) of 7 August 2015 to identify those involved in the use of any toxic chemical, such as chlorine or any other chemical, as a weapon in the Syrian Arab Republic, became fully operational in November 2015, and calls upon all parties in the Syrian Arab Republic to extend their full cooperation to the Joint Investigative Mechanism and the fact-finding mission and the declaration assessment team of the Organization for the Prohibition of Chemical Weapons, and

underscores the importance of seeking accountability for those responsible for violations of international humanitarian law in this context;

14. *Reiterates its condemnation in the strongest terms* of any use of any toxic chemical, such as chlorine, as a weapon in the Syrian Arab Republic, and recalls the decision of the Security Council that the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to other States or non-State actors;[1]

15. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015), in which the Council strongly condemned the arbitrary detention and torture of civilians in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, and demanded the immediate end of these practices;

16. *Strongly condemns* all use of starvation of civilians as a method of combat, and all besiegement directed against civilian populations;

17. *Condemns* the destruction of the structures of civilian life as a result of the conflict, and calls upon all parties to comply fully with their obligations under international law, including the obligation to distinguish military from civilian objectives, and, accordingly, to refrain from deliberately targeting civilians and to put an end to all indiscriminate and disproportionate attacks;

18. *Also condemns* the Syrian authorities' use of heavy weapons, cluster munitions and aerial bombardments, including any indiscriminate use of ballistic missiles and barrel bombs, and attacks against civilian infrastructure, including medical facilities;

19. *Condemns in the strongest terms* the increasing number of mass casualty incidents, including any which may constitute a war crime, taking place in the Syrian Arab Republic, and requests the Commission of Inquiry to continue to investigate all such acts;

20. *Stresses* the need to promote accountability for those responsible for the unlawful killings of civilians, and also stresses the importance of holding to account those responsible for all violations of international humanitarian law and violations and abuses of international human rights law;

21. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation;

22. *Demands* that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

23. *Strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, and the organized looting and trafficking of its cultural property, as outlined by the Security Council in its resolution 2199 (2015);

24. *Also strongly condemns* the reported forced displacement of the population in the Syrian Arab Republic and the alarming impact on the demography of the country, and calls upon all parties concerned to cease immediately all activities related to these actions, including any activities that may amount to crimes against humanity;

[1] See Security Council resolution 2235 (2015).

25. *Calls upon* the international community to support the leadership and full participation of women in all efforts aimed at finding a political solution to the Syrian Arab Republic, as envisaged by the Security Council in its resolutions 1325 (2000) of 31 October 2000, 2122 (2013) of 18 October 2013 and 2254 (2015);

26. *Recalls* that the International Criminal Court was established to help to end impunity for such crimes where the State is unwilling or unable to genuinely carry out investigations or prosecutions;

27. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent domestic or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, noting the important role that the International Criminal Court can play in this regard;

28. *Reaffirms* that, in the context of an inclusive and credible dialogue, the Syrian people should determine the appropriate process and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, as well as reparations and effective remedies for victims;

29. *Emphasizes* that all efforts to bring a peaceful conclusion to the ongoing conflict in the Syrian Arab Republic must fully reflect the importance of ensuring accountability for the crimes committed in the country as a prerequisite to bring about reconciliation and sustainable peace;

30. *Reaffirms* its commitment to international efforts to find a political solution to the Syrian crisis that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, where all citizens are equal, regardless of gender, religion and ethnicity;

31. *Expresses deep concern* at the growing number of refugees and internally displaced persons fleeing the violence in the Syrian Arab Republic, welcomes the efforts by neighbouring countries to host Syrian refugees, and acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries;

32. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic, and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

33. *Welcomes* the initiative of the United Kingdom of Great Britain and Northern Ireland, Germany, Norway and Kuwait to co-host the London conference on 4 February 2016, which raised new funding to meet the immediate and long-term needs of those affected by the Syrian crisis, and calls upon all members of the international community to respond expeditiously to the Syrian humanitarian appeals and to fulfil all previous pledges;

34. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and humanitarian actors, including to hard-to-reach and besieged areas, in accordance with Security Council resolutions 2139 (2014), 2165 (2014) of 14 July 2014, 2191 (2014) of 17 December 2014, 2254 (2015), 2258 (2015) of 22 December 2015 and 2268 (2016), and calls upon Member States to fund fully the United Nations appeals;

35. *Takes note* of those countries outside the region that have put in place measures and policies to assist and to host Syrian refugees, and encourages them to do more, and encourages other States outside the region to consider implementing similar measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

36. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, and urges the parties to the conflict to abstain from actions that may contribute to the continuing deterioration of the human rights, security and humanitarian situation, in order to reach a genuine political transition, based on the Geneva communiqué, consistent with Security Council resolutions 2254 (2015) and 2268 (2016);

37. *Demands* that all parties work urgently towards the comprehensive implementation of the Geneva communiqué, including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring the continuity of governmental institutions;

38. *Decides* to transmit all reports and oral updates of the Commission of Inquiry to all relevant bodies of the United Nations, recommends that the General Assembly submit the reports to the Security Council for appropriate action, expresses its appreciation to the Commission for its briefings to members of the Security Council, and recommends the continuation of future briefings;

39. *Also decides* to remain seized of the matter.

63rd meeting
23 March 2016

[Adopted by a recorded vote of 27 to 6, with 14 abstentions. The voting was as follows:

In favour:

Albania, Belgium, Botswana, Côte d'Ivoire, El Salvador, France, Georgia, Germany, Ghana, Latvia, Maldives, Mexico, Mongolia, Morocco, Netherlands, Panama, Paraguay, Portugal, Qatar, Republic of Korea, Saudi Arabia, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, Togo, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland

Against:

Algeria, Bolivia (Plurinational State of), China, Cuba, Russian Federation, Venezuela (Bolivarian Republic of)

Abstaining:

Bangladesh, Burundi, Congo, Ecuador, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Namibia, Nigeria, Philippines, South Africa, Viet Nam]